

THURSDAY, JANUARY 15, 1998

FIFTY-FOURTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Dr. Gary Allen Henecke, First Nazarene Church, Nashville, Tennessee.

Representative Boner led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present ..... 97

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Kerr; business reasons

Representative Odom; business reasons

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 2101:** Rep(s). Boyer, Pinion, Maddox and Walley as prime sponsor(s).

**ENROLLED BILLS**  
**January 15, 1998**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 401.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**  
**January 15, 1998**

The Speaker signed the following: House Bill(s) No(s). 401.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**January 15, 1998**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 369; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 369** -- Memorials, Death - Ernest "Chip" Koella. by \*Koella, \*Atchley, \*Cooper.

**MESSAGE FROM THE SENATE**  
**January 15, 1998**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 437; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENROLLED BILLS**  
**January 15, 1998**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 437.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**  
**January 15, 1998**

The Speaker signed the following: House Joint Resolution(s) No(s). 437

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**INTRODUCTION OF RESOLUTIONS**

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**\*House Joint Resolution No. 436** -- Memorials, Congress - Urges repeal of Internal Revenue Service Code and adoption of more equitable form of taxation. by \*McDaniel, \*Garrett.

Finance, Ways & Means Committee

**House Joint Resolution No. 440** -- Naming and Designating - "Descendants Park" in honor of State Senator Douglas Henry. by \*Halteman Harwell, \*Pruitt, \*Langster, \*Jones, S., \*West.

Transportation Committee

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for January 21, 1998:

**House Resolution No. 133** -- Memorials, Personal Achievement - Mimi Hughes, swam Bering Strait. by \*Phillips.

**House Joint Resolution No. 442** -- Memorials, Retirement - Dr. Margaret N. Perry, UT Martin Chancellor. by \*Maddox.

**House Joint Resolution No. 443** -- Memorials, Professional Achievement - Buster Williams, Martin Fire Chief, oldest active paid firefighter. by \*Maddox.

**House Joint Resolution No. 444** -- Memorials, Public Service - Mayor Robert Lankford, Gallatin. by \*McDonald.

**House Joint Resolution No. 445** -- Memorials, Professional Achievement - Cande Seay, Tennessee Outstanding Achievement Award. by \*Caldwell.

**House Joint Resolution No. 446** -- Memorials, Death - Reverend Artie Ray Chapman. by \*Davis R.

**House Joint Resolution No. 447** -- Memorials, Death - Charles C. Cureton. by \*Davis R.

**House Joint Resolution No. 448** -- Memorials, Retirement - Janet Smith. by \*Bone.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for January 21, 1998:

**Senate Joint Resolution No. 369** -- Memorials, Death - Ernest "Chip" Koella. by \*Koella, \*Atchley, \*Cooper.

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**\*House Bill No. 2104** -- Highway Signs - "Wiley C. Warden Memorial Bridge," S.R. 49, Yellow Creek, Houston County. by \*Ridgeway.

**\*House Bill No. 2105** -- Alcoholic Beverages - Repeals provisions of law concerning size of beer containers. - Repeals TCA Section 57-5-112; Section 57-6-104(e) and Section 57-6-104(i). by \*Head.

**\*House Bill No. 2106** -- Teachers - Allows LEAs to use state-paid insurance premium funds for IRA flexible benefit programs. Amends TCA Section 8-27-303. by \*Jackson.

**\*House Bill No. 2107** -- Firearms and Ammunition - Sets up mechanism for "instant" background check for handgun sellers. Amends TCA Title 39, Chapter 17, Part 13. by \*Newton.

**\*House Bill No. 2108** -- Sentencing - Mandates sentence of life imprisonment without possibility of parole for child rapists convicted after 1/1/99. Amends TCA Section 39-13-523. by \*Newton.

**\*House Bill No. 2109** -- Taxes, Privilege - Removes requirement that limits tax credit on car rentals to businesses engaged in retail rental for passenger cars for 31 days or less and whose primary business is new and used car sales. Amends TCA Title 67, Chapter 4, Part 19. by \*Phillips.

**House Bill No. 2110** -- Highway Signs - Provides for erection of directional signs indicating most direct route to Fayetteville at Exit 127 on I-24. by \*Phillips.

**\*House Bill No. 2111** -- Courts, General Sessions - Establishes process for selection of special judge to sit in absence of regular judge. Amends TCA Section 16-15-209. by \*Scroggs.

**\*House Bill No. 2112** -- Judicial Officers - Adds Shelby County to counties that may appoint judicial commissioners; restricts authority to issue arrest and search warrants to warrants requested by on-duty law enforcement officer; allows commissioners to issue orders of protection in domestic violence cases. Amends TCA Section 40-1-111. by \*Scroggs.

**\*House Bill No. 2113** -- Correctional Programs - Authorizes workhouse superintendent to deduct percentage of wage of inmate working in industry program for sale of manufactured goods on open market to pay for room and board and to contribute to county victim's assistance program. Amends TCA Section 41-22-116. by \*Kent.

**House Bill No. 2114** -- Consumer Protection - Requires health club agreements of more than three months in duration to be in writing. Amends TCA Section 47-18-301. by \*Dunn.

**\*House Bill No. 2115** -- Animals - Removes power of officers and agents of humane societies to investigate and make arrests for offenses involving cruelty to animals. Amends TCA Title 39, Chapter 14, Part 2. by \*Dunn.

**House Bill No. 2116** -- Taxes, Real Property - Permits city or county to dispose of property obtained for nonpayment of property taxes to nonprofit tax exempt agency chartered to create affordable housing for needy persons. Amends TCA Section 67-5-2509. by \*Fowlkes.

**House Bill No. 2117** -- Municipal Government - Establishes four year window for municipal clerk or recorder appointed after 7/1/94 to meet certification requirement. Amends TCA Section 6-54-120. by \*Fowlkes.

**House Bill No. 2118** -- Nuclear Materials, Transportation and Safety - Imposes certain requirements on shipment of spent nuclear fuel and high level radioactive waste. Amends TCA Title 54, Title 55, Title 65 and Title 68. by \*Bowers.

**\*House Bill No. 2119** -- Insurance, Health, Accident - Enacts "Provider Sponsored Organization Act of 1998." Amends TCA Title 56. by \*Bowers.

**\*House Bill No. 2120** -- Motor Vehicles, Titling and Registration - Changes the designation of the proposed "KIDS FIRST!" license plate to "CHILDREN FIRST!" Amends TCA Section 55-4-316. by \*Ridgeway.

**\*House Bill No. 2121** -- Agriculture - Sets maximum fee of \$25.00 for florists for agricultural regulation. Amends TCA Section 43-6-102 and 43-1-703(f). by \*Ridgeway.

**\*House Bill No. 2122** -- Pensions and Retirement Benefits - Requires persons to be retired at least five months before receiving cost-of-living adjustment; requires local government retirees to be retired 12 months before receiving adjustment unless appropriate governing body accepts five month limitation. Amends TCA Section 8-36-701. by \*Rhinehart.

**\*House Bill No. 2123** -- Race Relations - Requires staff of historical commission to compile and publish guide on African-American markers placed throughout state to acquaint citizens and visitors with cultural and historical heritage of African-Americans in Tennessee. by \*Pruitt.

**\*House Bill No. 2124** -- Aged Persons - Creates task force to be in existence for one year to identify major health issues facing elderly, exclusive of issues relating to long-term care; creates office of aging within department of health. Amends TCA Title 4, Chapter 3, Part 18. by \*Pruitt.

**House Bill No. 2125** -- Insurance, Health, Accident - Increases, from 25 to 50, threshold for consideration as small employer under Tennessee Small Employer Group Health Coverage Reform Act. Amends TCA Title 56, Chapter 7, Part 22. by \*Caldwell.

**\*House Bill No. 2126** -- Taxes, Inheritance Gift - Conforms Tn. inheritance tax exemption to federal inheritance tax exemption; increases the present \$600,000 one-time exemption incrementally from \$625,000 to \$1,000,000 in 2006. Amends TCA Title 67, Chapter 8, Part 3. by \*Patton.

**\*House Bill No. 2127** -- Alcoholic Beverages - Repeals 1997 authorization for sale of beer containers in any size; authorizes containers of 22 and 40 ounces and one gallon or more. Amends TCA Section 57-6-104(i). Repeals TCA Section 57-5-112, and to amend TCA Section 57-6-104(i). by \*Cole (Dyer).

**\*House Bill No. 2128** -- Highways, Roads and Bridges - Urges Tennessee department of transportation to begin environmental studies and preliminary engineering on Highway 100 from Centerville to Nashville. by \*Jackson.

**House Bill No. 2129** -- Statutes - Codifies public acts of 1997. by \*Hargrove.

**\*House Bill No. 2130** -- Taxes, Real Property - Clarifies time of certification of delinquent municipal property taxes as of May 1 of second calendar year after due date. Amends TCA Section 67-5-2005. by \*West.

**\*House Bill No. 2131** -- Motor Vehicles, Titling and Registration - Authorizes issuance of special license plates for Friends of Big South Fork National River and Recreation Area Amends TCA Title 55, Chapter 4. by \*Winningham.

**\*House Bill No. 2132** -- Education - Authorizes counties to vote to continue electing school superintendents. Amends TCA Title 49, Chapter 2. by \*Winningham.

**\*House Bill No. 2133** -- Motor Vehicles, Titling and Registration - Rewrites provisions relative to issuance and renewal of special and cultural license plates; provides for issuance of specialty, new specialty, specialty earmarked and new specialty earmarked plates on and after July 1, 1998; redistributes revenues produced from sale of such plates Amends TCA Title 55, Chapter 4. by \*Fowlkes.

**\*House Bill No. 2134** -- Utilities, Utility Districts - Authorizes short-term borrowing by certain natural gas utility districts. Amends TCA Section 7-82-501. by \*Cross.

**\*House Bill No. 2135** -- Driver Licenses - Imposes certain driving restrictions on persons under the age of 18. Amends TCA Title 55, Chapter 50. by \*Fowlkes.

**House Bill No. 2136** -- Annexation - Authorizes certain territories to conduct elections for governing boards of officials. Amends TCA Section 6-1-201. by \*Ferguson.

**House Bill No. 2137** -- Annexation - Authorizes certain municipalities which held elections for incorporation between April 16, 1997 through November 25, 1997, to conduct another election for incorporation under same conditions. Amends TCA Section 6-1-201. by \*Ferguson.

**\*House Bill No. 2138** -- Military - Revises the name of the Tennessee defense force to the Tennessee state guard. Amends TCA Title 58, Chapter 1. by \*Robinson.

**\*House Bill No. 2139** -- Highways, Roads and Bridges - Urges department of transportation to continue widening of Highway 70 from Waverly to Dickson. by \*Tindell.

**House Bill No. 2140** -- Courts, Circuit - Creates additional circuit court judgeship for 18th judicial district (Sumner County). Amends TCA Title 2, Chapter 13 and Section 16-2-506. by \*Stamps.

**\*House Bill No. 2141** -- Criminal Offenses - Expands scope of criminal offense of retaliation for past action to include clerk. Amends TCA Section 39-16-510. by \*Windle.

#### **HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 2071** -- Utilities, Utility Districts -- House State & Local Government Committee

**\*House Bill No. 2072** -- Utilities, Utility Districts -- House State & Local Government Committee

**\*House Bill No. 2073** -- Regional Authorities -- House State & Local Government Committee

**\*House Bill No. 2074** -- County Officers -- House Judiciary Committee

**House Bill No. 2075** -- State Prisoners -- House Judiciary Committee

**\*House Bill No. 2076** -- Death -- House Health & Human Resources Committee

**\*House Bill No. 2077** -- Municipal Government -- House State & Local Government Committee

**House Bill No. 2078** -- Highway Signs -- House Transportation Committee

**\*House Bill No. 2079** -- Marriage -- House Children and Family Affairs Committee

**\*House Bill No. 2080** -- Historical Commission -- House State & Local Government Committee

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**\*House Bill No. 2081** -- Criminal Offenses -- House Judiciary Committee

**\*House Bill No. 2082** -- Education -- House Education Committee

**House Bill No. 2083** -- Building Commission, State -- House State & Local Government Committee

**\*House Bill No. 2084** -- Health -- Caption Bill Held on House Desk

**\*House Bill No. 2085** -- Capital Punishment -- House Judiciary Committee

**\*House Bill No. 2086** -- Criminal Offenses -- House Judiciary Committee

**\*House Bill No. 2087** -- Capital Punishment -- House Judiciary Committee

**\*House Bill No. 2088** -- Driver Licenses -- House Transportation Committee

**\*House Bill No. 2089** -- School Transportation -- House Government Operations Committee

**House Bill No. 2090** -- Probation -- House Judiciary Committee

**\*House Bill No. 2091** -- Taxes, Sales -- House Finance, Ways & Means Committee

**House Bill No. 2092** -- Salaries and Benefits -- House State & Local Government Committee

**House Bill No. 2093** -- Highway Signs -- House Transportation Committee

**House Bill No. 2094** -- Water Pollution -- House Conservation & Environment Committee

**\*House Bill No. 2095** -- Highway Signs -- House Transportation Committee

**\*House Bill No. 2096** -- Consumer Protection -- House Consumer & Employees Affairs Committee

**\*House Bill No. 2097** -- Real Estate Agents and Brokers -- House Commerce Committee

**\*House Bill No. 2098** -- Administrative Procedure -- Caption Bill Held on House Desk

**\*House Bill No. 2099** -- Economic and Community Development -- House State & Local Government Committee

**House Bill No. 2100** -- DUI/DWI Offenses -- House Judiciary Committee

**\*House Bill No. 2101** -- Marriage -- House Children and Family Affairs Committee

**\*House Bill No. 2102** -- Jails, Local -- House State & Local Government Committee



**\*House Bill No. 2103** -- School Transportation -- House Education Committee

**CONSENT CALENDAR**

**House Joint Resolution No. 433** -- Memorials, Sports - Leonard Little, University of Tennessee football star. by \*Ridgeway.

**House Joint Resolution No. 435** -- Memorials, Sports - Peyton Manning. by \*Ridgeway.

**House Joint Resolution No. 438** -- Memorials, Sports - 1997 Harriman High School football team, TSSAA Division 1, Class 2-A state playoff semifinalist. by \*Ferguson.

**House Joint Resolution No. 439** -- Memorials, Sports - Tennessee Volleys tennis team, state and national champions. by \*Ferguson.

**House Joint Resolution No. 441** -- Memorials, Personal Occasion - Stephen Whitfield Bailey, 45th birthday. by \*Burchett.

Rep. Ridgeway moved that all members voting aye on **House Joint Resolution(s) No(s). 433 and 435** be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes ..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**ENGROSSED BILLS**  
**January 15, 1998**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 441.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**  
**January 15, 1998**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 433, 435, 438 and 439.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**CONSENT CALENDAR**  
**January 15, 1998**

The following local bills have been placed on the Consent Calendar for **January 21, 1998**: House Bill(s) No(s). 2036 and 2049.

**ROLL CALL**

The roll call was taken with the following results:

Present ..... 97

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

**RECESS MOTION**

Rep. Hargrove moved that the House stand in recess, pursuant to House Joint Resolution No. 437, until 2:00 p.m., Wednesday, January 21, 1998.